



February 8, 2008

ENGROSSED HOUSE BILL No. 1266

DIGEST OF HB 1266 (Updated February 6, 2008 11:31 am - DI 104)

Citations Affected: Noncode.

Synopsis: Priority for receiving services under Medicaid waivers. Requires the office of Medicaid policy and planning to apply to the United States Department of Health and Human Services to amend certain waivers to allow specified individuals to be given priority in receiving services under the waiver.

Effective: Upon passage.

Klinker, Brown T

(SENATE SPONSORS — RIEGSECKER, SIMPSON, MILLER, ROGERS)

January 14, 2008, read first time and referred to Committee on Public Health.

January 24, 2008, reported — Do Pass.

January 28, 2008, read second time, amended, ordered engrossed.

January 29, 2008, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 4, 2008, read first time and referred to Committee on Health and Provider Services.

February 7, 2008, amended, reported favorably — Do Pass.

C
o
p
y

EH 1266—LS 6692/DI 14+



February 8, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1266

A BILL FOR AN ACT concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "division" refers to the division of disability and
3 rehabilitative services established by IC 12-9-1-1.

4 (b) As used in this SECTION, "office" refers to the office of
5 Medicaid policy and planning established by IC 12-8-6-1.

6 (c) As used in this SECTION, "waiver" refers to any waiver
7 administered by the office and the division under section 1915(c)
8 of the federal Social Security Act.

9 (d) Before July 1, 2008, the office shall apply to the United
10 States Department of Health and Human Services for approval to
11 amend a waiver to set priorities as described in subsection (e) in
12 providing services under the waiver.

13 (e) The waiver amendment must provide for the following
14 individuals to be given priority in receiving services under the
15 waiver:

16 (1) An individual who is determined by the state department
17 of health to no longer need or receive active treatment
18 provided in a supervised group living setting.

EH 1266—LS 6692/DI 14+



C
o
p
y

(2) An individual who is receiving service under the direction of the division in a supervised group living setting, nursing facility, or large private intermediate care facility and has a history of unexplained injuries or documented abuse that is substantiated by the division and that threatens the health and welfare of the individual.

(3) A current resident, or the guardian of a resident who is incapacitated, of a large, private intermediate care facility for the mentally retarded who requests to leave the facility.

(4) An individual who will be attaining the maximum age for a residential or group home setting funded by the department of education, the division of family resources, or the office.

(5) An individual for whom the primary caregiver of the individual is no longer able to care for the individual due to:

(A) the death of the primary caregiver;

(B) the long term institutionalization of the primary caregiver;

(C) the long term incapacitation of the primary caregiver; or

(D) the long term incarceration of the primary caregiver.

(6) An individual who is on the waiver waiting list and has been determined to have a shortened life span as defined by the division.

(7) Any other priority as determined by the division.

(f) The office may not implement the amendment to the waiver until the office files an affidavit with the governor attesting that the amendment to the federal waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver amendment is approved.

(g) If the office receives approval for the amendment to the waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (f), the office shall implement the amendment to the waiver not more than sixty (60) days after the governor receives the affidavit.

(h) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.

(i) This SECTION expires July 1, 2016.

SECTION 2. An emergency is declared for this act.

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1266 be amended to read as follows:

Page 1, line 1, after "(a)" insert **"As used in this SECTION, "division" refers to the division of disability and rehabilitative services established by IC 12-9-1-1.**

(b)".

Page 1, line 4, delete "(b)" and insert **"(c)".**

Page 1, line 4, delete "the" and insert **"any waiver administered by the division."**

Page 1, delete line 5.

Page 1, line 6, delete "(c)" and insert **"(d)".**

Page 1, line 8, delete "the developmental disabilities waiver" and insert **"any waiver administered by the division"**.

Page 1, line 11, delete "(d)" and insert **"(e)".**

Page 1, line 15, delete "qualify for the nursing level of care" and insert **"need or receive active treatment"**.

Page 1, line 17, after "who" insert **"is receiving service under the direction of the division in a supervised group living setting, nursing facility, or large private intermediate care facility and"**.

Page 1, line 18, delete "safety" and insert **"welfare"**.

Page 2, delete lines 2 through 3.

Page 2, line 4, delete "(4)" and insert **"(3)".**

Page 2, line 7, delete "(5)" and insert **"(4)".**

Page 2, line 7, delete "or young adults who are becoming too old to" and insert **"who are aging out of"**.

Page 2, line 8, delete "reside in".

Page 2, line 11, delete "(6)" and insert **"(5)".**

Page 2, line 13, after "of the" insert **"primary"**.

Page 2, line 14, after "of the" insert **"primary"**.

C
O
P
Y



Page 2, line 15, after "of the" insert "**primary**".

Page 2, line 16, after "of the" insert "**primary**".

Page 2, delete lines 17 through 20.

Page 2, between lines 20 and 21, begin a new line block indented and insert:

"(6) An individual who is on the waiver waiting list and has been determined to have a shortened life span as defined by the division.

(7) Any other priority as determined by the division."

Page 2, line 21, delete "(e)" and insert "(f)".

Page 2, line 27, delete "(f)" and insert "(g)".

Page 2, line 33, delete "(g)" and insert "(h)".

Page 2, line 35, delete "(h)" and insert "(i)".

(Reference is to HB 1266 as printed January 25, 2008.)

KLINKER

C
o
p
y

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1266, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, delete "division." and insert "**office and the division under section 1915(c) of the federal Social Security Act.**".

Page 1, line 10, delete "any waiver administered by the division under section" and insert "**a waiver**".

Page 1, line 11, delete "1915(c) of the federal Social Security Act".

Page 1, line 11, after "priorities" insert "**as described in subsection (e)**".

Page 1, line 12, delete "waiver to certain eligible individuals." and insert "**waiver**".

Page 2, line 4, after "that" insert "**is substantiated by the division and that**".

Page 2, line 6, delete "resident" and insert "**resident, or the guardian of a resident who is incapacitated,**".

Page 2, line 9, delete "Children who are aging out of" and insert "**An individual who will be attaining the maximum age for**".

Page 2, line 11, delete "Medicaid." and insert "**the office**".



Page 2, line 17, after ";" insert "**or**".

Page 2, line 18, delete ";" and insert ".".

Page 2, delete line 19.

Page 2, line 33, delete "(e)," and insert "**(f)**".

and when so amended that said bill do pass.

(Reference is to HB 1266 as reprinted January 29, 2008.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

**C
o
p
y**

